

BILL ANALYSIS

Senate Research Center
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S.B. 1124
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Local Government
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, candidates for sheriff who are not licensed peace officers have a certain amount of time to become a licensed peace officer after their election to office. However, there have been instances where a newly elected sheriff was unable to meet the qualifications to become a peace officer, hindering their ability to fulfill one of the primary duties of a sheriff, enforcing criminal law. S.B. 1124 seeks to ensure that a candidate for sheriff has the proper experience and training in law enforcement before serving as sheriff by requiring candidates to hold an active permanent peace officer license prior to running for office.

S.B. 1124 amends current law relating to qualifications of a sheriff or a candidate for sheriff. The new requirements would include requiring the candidate to hold an active permanent peace officer license, and have at least five years of experience as a full-time paid peace officer or federal special investigator. S.B. 1124 also allows veterans with ten years combined active duty or national guard service experience, while holding a intermediate, advanced, or master proficiency certificate, the ability to be a candidate for sheriff.

As proposed, S.B. 1124 amends current law relating to qualifications of a sheriff or a candidate for sheriff.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Law Enforcement is rescinded in SECTION 3 (Section 85.0025, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.0011, Local Government Code, as follows:

Sec. 85.0011. New heading: QUALIFICATIONS FOR SHERIFF OR CANDIDATE FOR SHERIFF. (a) Defines "active duty," "armed forces of the United States," "federal special investigator," "military veteran," and "peace officer."

(b) Creates this subsection from existing text. Provides that a person is not eligible to serve as sheriff unless the person:

(1) makes a nonsubstantive change to this subdivision;

(2) holds an active permanent peace officer license under Chapter 1701 (Law Enforcement Officers), Occupations Code, rather than is eligible to be licensed under Sections 1701.309 (Age Requirement) and 1701.312 (Disqualification: Felony Conviction or Placement on Community Supervision), Occupations Code;

(3) has a minimum of 5 years experience as a full-time, paid peace officer or federal special investigator or 10 years combined active duty or national guard service experience, and is a military veteran; and

(4) holds an intermediate, advanced, or master proficiency certificate under Section 1701.402 (Proficiency Certificates), Occupations Code.

(c) Provides that a person is not eligible to be a candidate for the office of sheriff unless the person meets the qualifications prescribed by Subsection (b).

SECTION 2. Amends Section 1701.302(a), Occupations Code, as follows:

(a) Requires an officer elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office to obtain a license from the Texas Commission on Law Enforcement (TCOLE) not later than the second anniversary of the date the officer takes office, except as provided by Section 85.0011, Local Government Code. Deletes existing text requiring an officer, including a sheriff, elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office to obtain a license from TCOLE not later than the second anniversary of the date the officer takes office.

SECTION 3. Repealer: Section 85.0025 (Continuing Education), Local Government Code.

SECTION 4. Provides that the changes in law made by this Act to Sections 85.0011 and 85.0025, Local Government Code, do not apply to a sheriff serving a term that began before the effective date of this Act. Provides that a sheriff serving a term that began before the effective date of this Act is governed for the remainder of that term by Sections 85.0011 and 85.0025, Local Government Code, as those laws existed immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2023.